

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re: BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

SIX SIS AG,

Defendant.

Adv. Pro. No. 12-01195 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendant SIX SIS AG (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on December 13, 2022, Defendant filed a motion to dismiss the Trustee’s Second Amended Complaint (the “Motion”) [ECF No. 130], with a supporting memorandum of law [ECF No. 134] and the Declarations of Erin Valentine [ECF No. 131] and Stephan Hänseler [ECF No. 133]; on February 7, 2023, the Trustee filed an Opposition to Defendant’s Motion [ECF No. 137] (the “Opposition”); and on March 14, 2023, Defendant filed a reply in further support of its Motion [ECF No. 140] (the “Reply”, and together with the Motion and Opposition, the “Briefing”);

WHEREAS, pursuant to Defendant’s notice of hearing [ECF No. 135], a hearing to consider the Motion was scheduled on April 19, 2023 at 10:00 a.m. (prevailing Eastern time); and

WHEREAS, the Parties have conferred and agreed to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 a.m. on April 19, 2023, to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

[Remainder of page intentionally left blank.]

Dated: March 31, 2023
New York, New York

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Liquidation of Bernard L. Madoff
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7 Estate of Bernard L. Madoff*

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LLC and the Chapter 7 Estate of
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Attorneys for SIX SIS AG

**Dated: April 5, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**